

INFORMATION AND APPLICATION MATERIALS FOR UNITED STATES MAGISTRATE JUDGE APPLICANTS

This package provides information on applying for a United States Magistrate Judge position within the Eastern District of Texas.

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Information for Applicants

A. LOCATION OF JUDGESHIP AND APPLICATION DEADLINE

Applications for the office of the United States Magistrate Judge in the Eastern District of Texas at Tyler are now invited. Applications must be addressed to David J. Maland, U.S. District Clerk, 211 W. Ferguson, Tyler, TX 75702 and **must be received no later than 5 p.m. Monday, March 7, 2005.**

B. MAGISTRATE JUDGE'S RESPONSIBILITIES/QUALIFICATIONS

To meet the minimum qualifications for appointment, applicants:

- (1) Must be members in good standing for at least five years of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States.
- (2) Must have been engaged in the active practice of law for a period of at least five years. The court may consider as substitute experience for the active practice of law the following, including any combination thereof:
 - (a) Judge of a state court of record or other state judicial officer
 - (b) United States magistrate judge
 - (c) Referee in bankruptcy
 - (d) Bankruptcy judge, or other federal judicial officer
 - (e) Attorney for federal or state agencies
 - (f) Law clerk to any judge or judicial officer (limited to two years)
 - (g) Other legal experience which is suitable as a substitute in the opinion of the majority of the court
- (3) Must be competent to perform the duties of the office and be of good moral character, emotionally stable and mature, committed to equal justice under the law, in good health, patient, courteous, and capable of deliberation and decisiveness.
- (4) At the time of initial appointment, must not be related by blood or marriage to a judge of the district to which the magistrate judge is being appointed, within the degrees specified in § 455 (b)(5) of Title 28, United States Code.
- (5) In the case of an initial appointment, must not be seventy years of age or older.

The appointment of a magistrate judge terminates when the magistrate judge reaches

age 70. However, there are special requirements under § 631 (d) of Title 28 that permit a magistrate judge to continue to serve and to be reappointed. At the time a magistrate judge reaches 70 years of age and on each subsequent anniversary, the magistrate judge may be reappointed for another one year term if a majority of the active judges of the district court approve.

(6) Must be a citizen of the United States.

C. JUDGESHIP AVAILABILITY/TERM OF APPOINTMENT

The Court is searching for the best-qualified individual currently available for appointment to an eight-year term. The location of the court where the successful applicant will sit is Tyler, Texas. **Note: Relocation expenses will not be paid.**

D. MAGISTRATE JUDGE SALARY

The current annual salary is \$149,132. Magistrate judge salaries are set by Congress. Periodically, Congress adjusts salaries based on cost of living increases.

E. MAGISTRATE JUDGE JURISDICTION

The basic jurisdiction of a magistrate judge is specified in 28 U.S.C. § 636 and in Title 11, United States Code.

F. SELECTION PROCESS

A merit selection panel composed of a chair and at least six other members evaluate all applications and conducts interviews of those applications the panel deems to be most qualified. The panel will keep confidential the identity of applicants and information received about them as much as possible while conducting the background investigation. However, employers, colleagues, or any other individuals than those listed as references may be contacted in order to select the top candidates. Hence, submission of an application will be deemed consent to have such persons contacted in order to access the judicial qualifications of the applicant.

The panel prepares a report of its recruitment and recommends for final consideration by the district court the names of five candidates the panel evaluates to be most qualified. The final selection is made by majority vote of the active judges of the district court. In cases of failure by the judges of the district court to make a majority selection, the chief judge shall make the determination.

Following the selection, a thorough background check is undertaken by the Federal Bureau of Investigation and a report is submitted by the Internal Revenue Service. Final appointment is contingent upon satisfactory reports by these agencies.

G. SUGGESTIONS FOR COMPLETING AN APPLICATION

- (1) All applications must be typed. You may use a word processor if you wish, but you must follow the application format set forth in the attached form.
- (2) The application form is also available on the Court's Internet site located at *www.txed.uscourts.gov*. The form is formatted in Adobe Acrobat 5.0 and for WordPerfect 9.0 and higher.
- (3) If you choose to use the hard copy of the application form, you must submit your application answers on a separate sheet of paper with reference to the respective letter and number designation keyed to the page to which it refers (e.g., pg. 7, G.2.).
- (4) Answer all questions as thoroughly as possible. If a question or section is not applicable, please so state and, unless obvious, state why it is inapplicable. Incomplete applications will not be processed.
- (5) You are required to submit the original and seven copies of this application and any attachments.
- (6) Any supporting documents (optional) must accompany the completed application. Seven copies of each supporting document must be included in order to be considered.

H. RETURN OF APPLICATIONS

All completed applications, original and supporting documents with seven copies, must be mailed or hand delivered in a sealed envelope by 5 p.m. Monday, March 7, 2005 at the following address:

David J. Maland, U.S. District Clerk
106 U.S. Courthouse
211 West Ferguson St.
Tyler, TX 75702

<p>UNITED STATES MAGISTRATE JUDGE APPLICATION FORM</p>

A. PERSONAL/BIOGRAPHICAL

A.1. Full Name:

A.2. Where to Contact: Home ☐ Business ☐

A.3. Business Address

A.4. Business Telephone: Business Fax:

A.5. Home Address:

A.6. Home Telephone: Home Fax:

A.7. Social Security Number:

A.8. Are you under age 70? Yes ☐ No ☐

A.9. Are you a citizen of the United States Yes ☐ No ☐

B. HEALTH INFORMATION

- B.1. What is the present state of your physical and mental health?
- B.2. Do you have any physical or mental impairment which might prevent or limit the performance of the essential functions of the office of magistrate judge unless some accommodation were to be made? Yes ☐ No ☐ If yes, please explain. State name, address and telephone number of the physician(s) knowledgeable of such impairment.
- B.3. Within the last 10 years have you suffered from, and/or been treated for, alcoholism or drug addiction? Yes ☐ No ☐ If yes, please explain. If you have received treatment, state the name, address and telephone number of the health care provider(s) knowledgeable of such treatment.

C. PRESENT EMPLOYMENT/AFFILIATION

- C.1. Name of employer, firm or agency:
- C.2. Address:
- C.3. Telephone:
- C.4. Your title or position:
- C.5. Your supervisor's (or managing partner's) name:
- C.6. Your supervisor's title or position:
- C.7. May we contact this person regarding your qualifications? Yes ☐ No ☐ If not, please name another person, who would be able to comment on your work.
- C.8. Dates of employment or affiliation:
- C.9. Give a synopsis of this position including nature of practice and types of matters accounting for most of your time:

D. PRIOR EMPLOYMENT/BUSINESS AFFILIATIONS

(For this section, list your legal and non-legal work experience for the last fifteen years, excluding your current position. Explain any periods of unemployment more than 90 days, except those due to disability. Repeat this information for each position.)

D.1. PRIOR EMPLOYMENT

- a. Employer, firm or agency:
- b. Address & telephone number:
- c. Supervisor or managing partner:
- d. Position(s) you held (e.g., associate, partner):
- e. Dates of employment
- f. Principal duties:

D.2. BUSINESS AFFILIATIONS

- a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties and whether you intend to resign such position immediately upon your appointment to a judicial office.
- b. Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? Yes ☐ No ☐
If yes, give the details, including dates:
- c. During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind? Yes ☐ No ☐
If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid.

E. DESCRIPTION OF LEGAL PRACTICE

E.1. Describe the general nature of your current practice including any legal specialties; describe your typical clients; also, if your practice is substantially different now than it was previously, give details of prior practice.

E.2. Estimate what percentages of your total time in legal work during the last five years concerned:

Federal civil law matters: _____%

Federal criminal law matters: _____%

State civil law matters: _____%

State criminal law matters: _____%

Other¹: _____%

E.3. During the past five years, what percentage of your practice has been trial practice?

_____%

E.4. Provide the following information on five particularly significant cases in which you were involved.

Case name:

Court, case number, and case citation number (if any):

Presiding Judge and Court:

Nature of case:

Your role in case:

Results of your activities in this case.

Explanation of why this case was significant to you:

Co-counsel(s) Name, Address & Telephone Number:

Opposing counsel(s) Name, Address & Telephone Number:

E.5. Summarize any additional experience that you may wish the judges and merit selection panel

¹If a single aspect(s) of your legal work occupied more than 20%, please list it separately with the corresponding percentage, rather than in the "Other" category.

to consider.

E.6. Have you ever been requested to respond to any complaints of professional misconduct?
Yes ☐ No ☐ If so, explain fully.

E.7. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? Yes ☐ No ☐ If yes, give particulars:

F. PRIOR JUDICIAL EXPERIENCE

(Repeat this information for each judicial or quasi-judicial position.)

F.1. Have you ever held judicial office or been a candidate for judicial office?
Yes ☐ No ☐

If so, state the courts involved and the dates of service, or dates of candidacy:

F.2. If you have held judicial office, state the names, addresses, and telephone numbers of five counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities.

F.3. If you have prior quasi-judicial service, state:

Name of agency:

Position held:

Hearings on what types of issues:

Numbers of cases adjudicated:

Dates of service:

F.4. Have you ever been required to respond to any complaints of judicial misconduct?
Yes ☐ No ☐ If yes, explain fully.

G. EDUCATION

G.1. Undergraduate

For each undergraduate institution attended, list:

Name of institution:

Dates attended:

Degree(s) received and date(s) conferred:

Major field(s) of study:

G.2. **Law School**

For each law school attended, list:

Name of institution:

Dates attended:

Degree(s) received and date(s) conferred:

G.3. **Other Graduate Education Received**

Name of institution:

Course of study:

Degree received (if any) and date(s) conferred:

G.4. For all institutions listed above, describe any academic honors, awards, law review, and other activities and achievements:

G.5. Have you complied with your minimum continuing legal education requirements for the last five years? If not, please explain.

H. PROFESSIONAL AND OTHER ORGANIZATIONAL ACTIVITIES:

H.1. List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups.

H.2. List all organizations and clubs, other than bar associations and professional societies, of which you have been a member during the past ten (10) years, including the titles and dates of any office you have held in each such organization.

H.3. List any committees upon which you have served in the last five years and describe your involvement and work in each.

I. REFERENCES

- I.1. List three individuals who are familiar with your professional qualifications and character and provide the following information as to each:

Name:

Title:

Address and telephone number:

- I.2. List three individuals who are familiar with your *personal character*, and provide the following information as to each:

Name:

Title:

Address and telephone number:

J. SUPPLEMENTAL INFORMATION

- J.1. List seminars and workshops you have attended or participated in as a speaker or panelist within the last five years, the subjects of which are relevant to the duties of a magistrate judge in this district.

- J.2. Have you ever taught or lectured at a law school or other educational institution?

Yes ☐ No ☐

If yes, please state the school(s), date(s) and subject(s)?

- J.3. Have you written, individually or with others, any articles, treatises, texts or handbooks?

Yes ☐ No ☐

If yes, provide as to each the complete citation including publisher, date, title and subject matter.

- J.4. List any elective or appointive public offices you have ever held (other than judicial or quasi-judicial). Please indicate whether the position was full-time or part-time, its location, duties and the periods of service.

- J.5. Have you ever sued or been sued by a client? Yes ☐ No ☐

If so, state fully the facts and circumstances, the court and case number, and the disposition of the matter.

- J.6. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty or unethical conduct? Yes ☐ No ☐
If so, give particulars:
- J.7. Have you ever been a party to any litigation? Yes ☐ No ☐
If so, state the court, case number, the nature of the case the circumstances of your involvement.
- J.8. To the best of your knowledge, are you in compliance with the tax laws of the federal government and state, county and community of which you are a resident?
Yes ☐ No ☐ If not, explain fully.
- J.9. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes ☐ No ☐ If so, give particulars.
- J.10. Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance?
Yes ☐ No ☐ If yes, give details (but do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence):
- J.11. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? Yes ☐ No ☐ If yes, give particulars:
- J.12. Have you served in the military of the United States or of any other country?
Yes ☐ No ☐ If yes, state the branch, dates of service, rank or position held, and type of discharge. If still a reserve or national guard member, give service, branch, unit and present rank.
- J.13. Have you performed any significant public service (e.g. Peace Corps)?
Yes ☐ No ☐ If so, explain fully.
- J.14. Do any clubs or private associations to which you now belong or of which you were previously a member, have a discrimination clause or do they bar membership on the basis of race, gender, religion, ethnicity or other status protected by anti-discrimination laws? Yes ☐ No ☐ If yes, explain.
- J.15. State any other pertinent information reflecting positively or negatively about you which you believe should be disclosed to the district court and the merit selection panel in connection with your possible nomination as United State Magistrate Judge.

- J.16. Provide a brief statement of why you are seeking the office of United States Magistrate Judge and why you feel that you are qualified for the office. Include any special professional, occupational or other experience you have had which you feel should be considered by the merit selection panel. Describe how your educational, legal, administrative and business experience have prepared you for this office.
- J.17. Do you have any life experiences about which you feel the Merit Committee should know?
Yes ☐ No ☐ If so, please list and provide a statement concerning each.

CONFIDENTIALITY STATEMENT

To the extent possible, this form will be kept confidential and will be examined only by members of the Merit Selection Panel and the judges of the district court. Individuals whom you have listed as references may be contacted by the panel, and the judges. Additional individuals may be contacted as required for a more complete background investigation. Applicants and potential applicants for the position should not contact the judges of the court or Merit Selection Panel members regarding their applications.

APPLICATION VERIFICATION

This application is being submitted by me personally and, if selected, I am willing to serve as a United States Magistrate Judge in the United States District Court, Eastern District of Texas.

I swear or affirm under penalty of perjury that all statements made in connection with this application are true and correct.

Signature

Date Signed

Executed in the County of _____ In the State of _____